UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 07 OCT 29 AM 10: 18
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **1) Jorge ORTEGA-Rocha** **2) Alberto MINOR-Olvera** Defendants	Magistrate Case No. '07 MJ 2540 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **October 27, 2007,** within the Southern District of California, defendants **Jorge ORTEGA-Rocha and Alberto MINOR-Olvera** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Rosario VEGA-Felix, Jose Valdimir MEZA-Silvas,** and **Alfredo SILVAS-Cardenas** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **OCTOBER, 2007**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

WMC

CONTINUATION OF COMPLAINT:
1) Jorge ORTEGA-Rocha
2) Alberto MINOR-Olvera

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Jose Rosario VEGA-Felix, Jose Valdimir MEZA-Silvas,** and **Alfredo SILVAS-Cardenas** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 27, 2007, at approximately 9:33 a.m., Border Patrol Agent D. Joyal was performing linewatch duties in the Jacumba, California area. Jacumba, California is located in a remote mountainous area, approximately 70 miles east of San Diego, California and lies directly on the United States/Mexico border. Agent Joyal was specifically looking at an area along Old Highway 80 near the 32.5 mile marker. In this area Old Hwy-80 passes within 3/4 of a mile from the U.S./Mexico border. In addition, this area is used almost daily by alien smugglers to pick up groups of illegal aliens. Generally, when the checkpoints located west of the Boulevard Border Patrol Station are operational the smugglers drive eastbound on Old Hwy-80 and enter onto Interstate 8 eastbound.

While Agent Joyal was watching this area he saw a red four-door sedan traveling westbound on Old Hwy-80 approach the 32.5 mile marker from the east. This section of Old Hwy-80 has a blind curve just to the west of the 32.5 mile marker, making this a very dangerous place to make a U-turn or to attempt to pull to the minimal shoulder of the road. In this area the shoulder is only approximately four feet wide, not nearly enough for a vehicle to get out of the travel lanes. The vehicle neared the 32.5 mile marker and made a U-turn. The vehicle was out of Agent Joyal's sight for approximately 1 minute. When Agent Joyal regained sight of the vehicle, it was traveling eastbound on Old Hwy-80.

Agent Joyal described what he had just witnessed, via Agency radio, to other agents in the area. As Agent Joyal was describing what he witnessed, another agent in the area, Agent J. Johnson witnessed a single subject running southbound toward Mexico from the area where the vehicle had just made the U-turn. Agents were unable to intercept the southbound subject. Supervisory Border Patrol Agent C. Allen, who was operating an unmarked Agency vehicle in plain clothes responded to the area.

Agent Allen located the vehicle as it passed the Mountain Springs off ramp on I-8 eastbound. Agent Allen noted the vehicle was a red four-door Dodge Intrepid and had four visible occupants. In addition, Agent Allen requested a registration check of the vehicle.

The registration check indicated the license plates belonged on a Honda. After verifying the license plate Agent Allen noted the vehicle he was following must have been misplated as it was indeed, a Dodge Intrepid.

Agent Allen continued following the Intrepid and pulled along side of it to view the driver. Agent Allen saw that the driver was a Hispanic male, looked overweight, had a shaved head, and a goatee. Agent Allen requested the assistance of any agent located east of his location. El Centro Sector Border Patrol Agent P. Gutierrez responded to Agent Allen's request.

WMC

CONTINUATION OF COMPLAINT:
1) Jorge ORTEGA-Rocha
2) Alberto MINOR-Olvera

As the Intrepid neared the Derrick Rd. overpass on I-8, Agent Gutierrez initiated a vehicle stop. The Intrepid yielded immediately and pulled to the shoulder of the interstate. Agent Gutierrez identified himself as a Border Patrol Agent and questioned the occupants of the vehicle as to their citizenship. The driver, identified as defendant #1 **Jorge ORTEGA-Rocha** and the front seat passenger, identified as defendant #2 **Alberto MINOR-Olvera** indicated they had immigration documents and they were Resident Aliens. The two backseat passengers stated they were in the United States illegally and did not have any immigration documents.

Agent's Gutierrez and Allen opened the trunk of the Intrepid and found two subjects lying in the trunk. The two subjects were dressed in sweatshirt jackets and were sweating profusely. The temperature outside was approximately 80 degrees. All of the illegal alien passengers were removed from the Intrepid and placed into an Agency vehicle. The two subjects who had been lying in the trunk made requests for water and indicated they were very thirsty. All occupants of the Intrepid were offered water.

Agent Allen again questioned all of the subjects, individually, concerning their citizenship. The driver and the front seat passenger again claimed to be Resident Aliens. The additional four passengers claimed to have just crossed the United States/Mexico border illegally. In addition, the additional four subjects all stated they were citizens of Mexico and none of them had any documents that would allow them to work, remain, or reside in the United States legally. All occupants, including ORTEGA and MINOR, were placed under arrest and transported to the Boulevard Border Patrol Station for processing.

DEFENDANT #2 STATEMENT: (Alberto MINOR-Olvera):

MINOR was advised of his Miranda Rights in the Spanish language. MINOR stated that he understood his rights and was willing to answer questions without a lawyer.

MINOR stated he met a person in Mexicali who offered him money for transporting illegal aliens to El Centro, California. MINOR stated he agreed to the offer, and was given money to buy a new cell phone and gas for the vehicle that was going to be used. MINOR stated he did not know who the owner of the vehicle was, only that he was told where to pick up the vehicle. MINOR stated he was told the red vehicle was going to be at a parking lot in Calexico and the keys were going to be under the driver's seat. MINOR stated he picked up the red vehicle this morning and drove to a friend's house in Calexico. MINOR stated that at approximately 7:00 a.m. he received a call advising him to get ready for the pick up. MINOR stated he and a long time friend named Jorge **ORTEGA**, **defendant #1**, left together in the red vehicle to pick up illegal aliens near Jacumba, California. MINOR stated his friend Jorge, **defendant #1**, drove the vehicle and he was the passenger. MINOR stated they were both going to get paid $150.00 US dollars per person for driving the illegal aliens to El Centro, California. MINOR stated the foot guide of the group was guiding them to the group via cell phone. MINOR stated once they made contact with the foot guide on the side of road they stopped and immediately opened the door and four illegal aliens entered the vehicle. MINOR stated once the four aliens were in the vehicle the foot guide ran back to Mexico and they drove away. MINOR stated he ordered two of the illegal aliens to climb in the trunk from the inside of the vehicle to minimize suspicion of the illegal activity. MINOR stated he realizes the fact that he put the lives of the two individuals in the trunk, at risk. MINOR stated he was to call for further information as to the address of the drop off point for the four illegal aliens once he arrived in El Centro.

CONTINUATION OF COMPLAINT:
1) Jorge ORTEGA-Rocha
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MATERIAL WITNESSES STATEMENTS:

The statements of material witnesses **Jose Rosario VEGA-Felix, Jose Valdimir MEZA-Silvas,** and **Alfredo SILVAS-Cardenas** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to enter or remain in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay between $1,500.00 and $1,800.00 U.S. dollars to be smuggled into the United States. They stated that a foot guide led them across the border to a paved road where the load vehicle was waiting. All the material witnesses were able to positively identify the driver, defendant #1 Jorge **ORTEGA**-Rocha, and passenger, defendant #2 Alberto **MINOR**-Olvera from a photographic lineup.

Executed on October 28, 2007 at 10:00 a.m.

Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 pages, I find probable cause to believe that the defendants named in this probable cause statement committed the offense on **October 27, 2007**, in violation of Title **8**, United States Code, Section **1324**.

Louisa S. Porter
United States Magistrate Judge

10/28/07 2:30 p.m.
Date/Time